

78-781T

RESTRICTIVE COVENANTS

FOR VALUABLE CONSIDERATION, the undersigned as the owner of Lot 35 in Country Club Oaks, a subdivision in Douglas County, Nebraska, hereby executes, records and publishes the following restrictive covenants, which shall constitute covenants running with the land effective on the date hereof and continuing until January 1, 1994. These covenants are executed in favor of all of the present and future owners of Lots 1 through 34, inclusive, in said Country Club Oaks and if the present or future owners of all or any part of said Lot 35 in Country Club Oaks shall violate or attempt to violate any of the following covenants, it shall be lawful for any of the then owners of Lots 1 through 34, inclusive, in Country Club Oaks to prosecute proceedings at law or in equity against the person violating or threatening to violate such covenants and to thereby prevent him from such violation and to recover damages and all other remedies permitted by law for such actual or threatened violation. Invalidation of any one of these covenants shall in no way affect any of the other provisions hereof.

1) No vehicular ingress or egress shall be permitted to or from said Lot 35 by means of the road or street known as Country Club Oaks Place and, in order to prevent such ingress or egress, the owner of said Lot 35 shall at all times construct and maintain in place, either a fence, or some other structure, or trees and/or shrubs, such as will constitute an effective barrier against automobile traffic.

2) The maximum density of dwelling units to be permitted on all of Lot 35 shall be a total of 32 dwelling units (including the five dwelling units now existing upon the Southwesterly part of said Lot 35. The undersigned intends to replat said Lot 35 into a total of ten sub-lots and the maximum density for each of said sub-lots shall be as follows:

- Sub-Lot 1 - Five dwelling units.
- Sub-Lot 2 - Three dwelling units.
- Sub-Lots 3, 4, 8 and 9 - Four dwelling units each.
- Sub-Lots 5 and 6 - Three dwelling units each.
- Sub-Lot 7 - Two dwelling units.
- Sub-Lot 10 - No dwelling units. To be used as common green area.

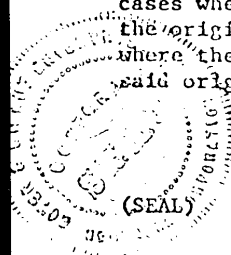
3) If a building containing three dwelling units or four dwelling units shall be built on any of said portions of Lot 35, then each dwelling unit contained therein shall contain the following minimums of enclosed finished living area exclusive of porches, garages and breezeways:

- a) Any one-story dwelling unit shall have a minimum enclosed finished living area of 1,200 square feet and shall be limited entirely above the ground level.
- b) Any two-story dwelling unit shall have a minimum enclosed finished living area on the two floors above ground level of 1,500 square feet and a minimum enclosed finished living area on the main or first floor above the ground level of 1,200 square feet.
- c) Each dwelling unit shall also contain an attached or basement garage containing space for not less than two automobiles per each family unit.

4) The foregoing covenants are intended to increase the restrictions upon said Lot 35 over and above those contained in the original Protective Covenants And Restrictions heretofore recorded for Country Club Oaks in Miscellaneous Book 461 at Page 519 in the Office of the Register of Deeds of Douglas County, Nebraska. In cases where the foregoing restrictions are more burdensome than those contained in the original covenants, then the foregoing restrictions shall govern. In other cases where the original covenants cover topics not covered by the foregoing restrictions, said original covenants shall remain in full force.

DATED this 25<sup>th</sup> day of February, 1973

BOYER & BISKUP ENTERPRISES, INC.,  
A Nebraska Corporation



Attest:

Nelva U. Boyer  
Secretary

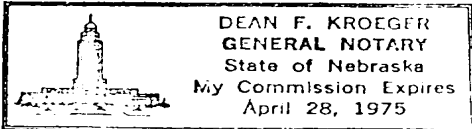
By Francis Biskup  
President

STATE OF NEBRASKA )  
                          ) ss.  
COUNTY OF DOUGLAS )

On this 25<sup>th</sup> day of February, 1977, before me, the undersigned, a Notary Public, personally came Francis V. Biskup + Delford U. Boyer, President and Secretary respectively of BOYER & BISKUP ENTERPRISES, INC., a Nebraska corporation, to me personally known to be the President and Secretary and the identical persons whose names are affixed to the above Restrictive Covenants and acknowledged the execution thereof to be their voluntary act and deed as such officers and the voluntary act and deed of said corporation, and that the Corporate Seal of said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Omaha, Nebraska the day and year first above written.

Dean F. Kroeger  
Notary Public



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ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA 850  
16 DAY OF July 1977 AT 2:26p C. HAROLD OSTLER, REGISTER OF DEEDS